REMARKS

Claims 27 and 28 have been amended to an inadvertent wording error. No claims have been added or cancelled. Therefore, claims 1-32 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 101 Rejection:

The Examiner rejected claims 1-32 under 35 U.S.C. § 101 for nonstatutory subject matter. Applicant respectfully traverses this rejection for at least the following reasons.

The Examiner argues that the "invention is ineligible because it has not been limited to a substantial practical application", that "the terms 'generate an answer', 'confidence level', and 'policy evaluation' are vague and can fall outside a real world function and or purpose", and that "'confidence level' is nothing more than a number on a scale and 'generate an answer' and 'policy evaluation' can be almost anything." Applicant traverses the rejection on the grounds that the Examiner has improperly extracted the terms from claim 1 and declared the terms vague in isolation, and has not properly considered the terms in the context of the entire claim.

As to the Examiner's assertion that "'policy evaluation' can be almost anything", applicant notes that claim 1 cites a "policy evaluation mechanism configured to evaluate policies to provide automated computer system administration in an information technology (IT) environment." Claim 1 thus clearly discloses **policies** as policies directed at automated computer system administration in an IT environment. Further, claim 1 cites that, to evaluate policies, the policy evaluation mechanism is configured to "evaluate [a] policy according to...information [relevant to an evaluation of the policy] using two or more inference techniques." Policy evaluation is thus clearly not 'vague', and it is not true that policy evaluation 'can be almost anything', as the word 'policy' in the term 'policy evaluation' is defined in the claim, as is the term 'evaluation'. Claim 1

thus clearly discloses, when read as a whole, that policy evaluation is the evaluation of policies using two or more inference techniques to provide automated computer system administration in an IT environment.

Further, claim 1 discloses a policy evaluation mechanism that is configured to evaluate the policies, and discloses that, to evaluate policies, the policy evaluation is configured to "access a policy and information relevant to an evaluation of the policy; and evaluate the policy according to the information using two or more inference techniques to generate an answer and a confidence level for the policy evaluation." Applicant asserts that the policy evaluation mechanism disclosed in claim 1 is thus clearly a substantial practical application.

Furthermore, Applicant's claims do recite a useful, concrete and tangible result. Claim 1 discloses that the evaluation of a policy by the policy evaluation mechanism according to the information [relevant to the evaluation of the policy] using two or more inference techniques generates an answer and a confidence level for the policy evaluation. Examiner asserts that 'answer' and 'confidence level' are 'vague' and can be 'almost anything'. However, it is clear from the context of claim 1 that the answer is an answer to a policy evaluation of a policy directed at automated computer system administration in an IT environment, and that the confidence level is a confidence level for the policy evaluation. Applicant asserts that either one or both of the answer and confidence level for the policy evaluation of a policy directed at automated computer system administration in an IT environment are clearly useful, concrete and tangible results that have useful, concrete and tangible application(s) in automated computer system administration in an IT environment. The answer for the policy evaluation and the confidence level for the policy evaluation are every bit as useful, concrete and tangible as the share price calculated in the claim in *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998).

Therefore, the § 101 rejection of claim 1 is improper. Applicant respectfully requests removal of the § 101 rejection of claim 1. Similar remarks also apply to claims 8 and 9, as they recite similar limitations using similar language.

Applicant further traverses the § 101 rejection on the grounds that the <u>Examiner has failed to consider every limitation of every rejected claim.</u>

In regard to claim 14, the Examiner has failed to state a *prima facie* rejection for the claim, which includes limitations not found in claim 1. For example, claim 14 recites <u>automatically initiating a process in the IT environment if the answer and the confidence level for the policy evaluation indicate that the process can be performed according to a predetermined confidence threshold.</u> Thus, claim 14 clearly recites a tangible, useful result (automatically initiating a process), contrary to the Examiner's assertion. Therefore, the § 101 rejection of claim 14 is improper. Applicant respectfully requests removal of the § 101 rejection of claim 14.

In regard to claim 16, the Examiner has failed to state a *prima facie* rejection for the claim, which includes limitations not found in claim 1. For example, claim 16 recites a <u>self-tuning</u> policy evaluation mechanism configured to evaluate a policy according to information relevant to an evaluation of the policy using two or more inference techniques to generate results including an answer and a confidence level for the policy evaluation, <u>store the results of the policy evaluation in a database of historical information about the policy;</u> and <u>access the historical information stored in the database in subsequent evaluations of the policy to **generate more accurate results**</u>. Thus, claim 16 clearly recites a tangible, useful result (storing results of the policy evaluation for use in subsequent evaluations of the policy to generate more accurate results), contrary to the Examiner's assertion. Therefore, the § 101 rejection of claim 16 is improper. Applicant respectfully requests removal of the § 101 rejection of claim 16. Similar remarks also apply to claims 21, 22, and 26, as they recite similar limitations using similar language.

In regard to claim 29, the Examiner has failed to state a *prima facie* rejection for

the claim, which includes limitations not found in claim 1. For example, claim 29 recites a <u>plurality of decision engines</u>...[each] configured to...evaluate a policy associated with the decision engine...and <u>automatically initiate a process in the IT environment if the answer and the confidence level for the policy evaluation indicate that the process can be performed according to a predetermined confidence threshold</u>. Thus, claim 29 clearly recites a tangible, useful result (automatically initiating a process), contrary to the Examiner's assertion. Therefore, the § 101 rejection of claim 29 is improper. Applicant respectfully requests removal of the § 101 rejection of claim 29.

In general, the Examiner has failed to state a *prima facie* rejection for **each** rejected claim, including the dependent claims. For example, in regard to claim 4, the claim recites that "the policy evaluation mechanism is further configured to <u>initiate a process automatically in the IT environment if the answer and the confidence level for the policy evaluation indicate that the process can be performed according to a predetermined confidence threshold</u>." Thus, claim 4 clearly recites a tangible, useful result (automatically initiating a process), contrary to the Examiner's assertion. Therefore, the § 101 rejection of claim 4 is improper. Applicant respectfully requests removal of the § 101 rejection of claim 4. Similar remarks also apply to claims 11, 18, 23, and 27 as they recite similar limitations using similar language. The Examiner has failed to consider the specific limitations of **each** claim. Accordingly, the § 101 rejection of claim 1-32 is improper.

Section 103(a) Rejection:

The Examiner rejected claims 1-5, 8-12, 14-19, 21-24 and 26-32 under 35 U.S.C. § 103(a) as being unpatentable over Carter et al. (U.S. Publication 2003/0051026) (hereinafter "Carter") in view of Janssens ("Inequalities in Fuzzy Probability Calculus"), and further in view of Smith et al. (U.S. Publication 2003/0172133) (hereinafter "Smith"), and claims 6, 7, 13, 20 and 25 as being unpatentable over Carter, Janssens and Smith and further in view of Cao ("A Deductive Probabilistic and Fuzzy Object-Oriented

Database Language"). Applicant respectfully traverses these rejections for at least the reasons below.

In regard to claim 1, Smith discloses a system that monitors and protects the security of computer networks [and that] uses artificial intelligence, including learning algorithms, neural networks and genetic programming, to learn from security events (Smith, abstract). The Examiner asserts that the term 'policy evaluation mechanism' as disclosed in the claim is equivalent to 'monitors', as disclosed in the abstract of the Carter reference. Applicants traverse this assertion, as 'monitoring...the security of computer networks' is clearly not equivalent to a policy evaluation mechanism as disclosed in claim 1 of the present application. The policy evaluation mechanism is disclosed as a mechanism configured to evaluate policies to provide automated computer system administration in an information technology (IT) environment, and is not disclosed as a system for 'monitoring...the security of computer networks.' Further, the Examiner has simply asserted that the two terms are equivalent, and has not provided any basis for said assertion.

The Examiner further asserts that the term 'automated computer system [administration]' as disclosed in the claim is equivalent to 'autonomously alters [security policies in response to ongoing events]', as disclosed in the abstract of the Carter reference. Applicant traverse this assertions, as 'autonomously alter[ing] [security policies in response to ongoing events]' is clearly not equivalent to automated computer system [administration] as disclosed in claim 1 of the present application. 'Automated computer system [administration]' is not described as or limited to 'autonomously alter[ing] [security policies in response to ongoing events]'. Further, the Examiner has simply asserted that the two terms are equivalent, and has not provided any basis for said assertion.

The Examiner further asserts that the term 'information technology environment' as disclosed in the claim is equivalent to 'network communications', as disclosed in the abstract of the Carter reference. Applicant traverses this assertion. Carter, in the abstract,

discloses that "[t]he invention tracks network communication traffic." Later in the abstract, Carter discloses that "[t]he invention is able to subdivide the network communications...". Clearly, 'network communications' refers to the previously mentioned <u>network communication traffic</u>, i.e., messages or packets on a network. 'Network communication traffic' (messages or packets on a network) is clearly not equivalent to an 'information technology environment' in the context of claim 1. Communications "traffic" on a network is not described anywhere in the art as an 'information technology environment' in which policies are evaluated to provide automated computer system administration. Further, the Examiner has simply asserted that the two terms are equivalent, and has not provided any basis for said assertion.

The Examiner further asserts that Carter teaches program instructions executable by a processor to...access a policy and information relevant to an evaluation of the policy. The Examiner cites paragraph [0228] of the Carter reference in support of this assertion, asserting that 'policy' as disclosed in the claim is equivalent to 'network surveillance and security systems' as disclosed by Carter, and that 'information relevant [to an evaluation of the policy]' as disclosed in the claim is equivalent to 'intrusion information' as disclosed by Carter. Applicant traverse these assertions. In regard to the Examiner's first assertion, Applicant fails to see how 'network surveillance and security systems' could possibly be considered 'equivalent to' a <u>policy</u> to be evaluated to provide automated computer system administration in an IT environment. Clearly, a <u>policy</u> is not a <u>system</u>, and a <u>system</u> is not a <u>policy</u>. In regard to the Examiner's second assertion, 'intrusion information' is nowhere described in Carter as 'information relevant [to an evaluation of a policy]'. Again, the two terms are simply not equivalent, contrary to the Examiner's assertion. Further, the Examiner has simply asserted that the above terms are equivalent, and has not provided any basis for said assertion.

From the above, it is clear that the Examiner's assertion that Carter teaches a system similar to the system disclosed in claim 1 of the present application is without factual basis. Contrary to the Examiner's assertions, the Carter reference does not

describe anything about a policy evaluation mechanism configured to evaluate policies to provide automated computer system administration in an IT environment.

In further regard to claim 1, the Examiner admits that "Carter does not teach and evaluate the policy according to the information using two or more inference techniques." The Examiner goes on to assert that the Janssens reference teaches "and evaluate the policy according to the information using two or more inference techniques", and that "two or more inference techniques of applicant is equivalent to 'probability calculus' and 'fuzzy logic' of Janssens (Janssens, abstract). Applicant traverses this assertion. First, Applicant notes that the Janssens reference, in the abstract, refers to *one* inference technique (fuzzy probability calculus), not two techniques. This one technique (fuzzy probability calculus) is the subject of the Janssens paper, as is clearly indicated by the Title. Elsewhere, Janssens does mention "other applications of fuzzy logic." However, the Janssens reference, contrary to the Examiner's assertion, is clearly not teaching "two separate techniques", but instead is describing "reformulating [Bell-type] inequalities in the context of <u>fuzzy probability logic</u>." Further, the Janssens reference, contrary to the Examiner's assertion, does not teach or suggest "two separate techniques <u>for evaluation</u>."

Furthermore, contrary to the Examiner's suggestion, nowhere does the Janssens reference teach or suggest anything like <u>evaluating policies to provide automated computer system administration in an IT environment using two or more inference techniques</u>. Nor does Carter, alone or in combination with Janssens, teach or suggest anything like <u>evaluating such policies using two or more inference techniques</u>.

The Examiner asserts that "It would have been obvious to a person having ordinary skill in the art at the time of the applicant's invention to modify the teachings of Carter by using two separate techniques for evaluation as taught by Janssens to evaluate the policy according to the information using two or more inference techniques." However, Applicant reminds the Examiner that "to support the conclusion that the claimed combination is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed combination or the examiner must present a

convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references..." *Ex Parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Int'f 1985). Applicants note from the above traversals of the Examiner's rejections that the Examiner has failed to establish that Carter "expressly or impliedly suggests" anything like what is disclosed in claim 1 of the present application, nor has the Examiner done so for the Janssens reference. Further, neither the Carter reference nor the Janssens reference "expressly or impliedly suggest" what the Examiner asserts the references teach. Nor does either reference expressly or impliedly suggest a combination of the two references that would produce anything like what is disclosed in claim 1 of the present application. Nor has the Examiner presented a convincing line of reasoning as to why an artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

In further regard to claim 1, the Examiner correctly admits that "Carter and Janssens do not teach to generate an answer and a confidence level for the policy evaluation." (As neither reference teaches or suggests "policy evaluation" as disclosed in claim 1 of the present application, it is obvious that neither reference would teach generating an answer and a confidence level for the policy evaluation.) The Examiner goes on to assert that "Smith teaches to generate an answer and a confidence level for the policy evaluation", citing the abstract. From the abstract, what the Smith reference teaches is a "helpdesk service" that receives requests for help from users, searches a knowledge base for solutions, and assigns confidence levels to each potential solution found by the search. What Smith teaches is clearly and distinctly different than a policy evaluation mechanism that evaluates policies to provide automated computer system administration in an information technology (IT) environment, and that evaluates a policy according to information relevant to the policy using two or more inference techniques to generate an answer and a confidence level for the policy evaluation, as disclosed in claim 1 of the present application.

The Examiner goes on to assert that "It would have been obvious to a person having ordinary skill in the art at the time of the applicant's invention to modify

combined teachings of Carter and Janssens by generating a confidence value for a given solution as taught by Smith to generate an answer and a confidence level for the policy evaluation." Again, as noted above, combining the teachings of Carter and Janssens would not produce what is claimed in claim 1 of the present application, and in any case neither the Janssens reference nor the Carter reference teach or suggest combining the two references, nor has the Examiner presented a convincing line of reasoning as to why an artisan would have found the claimed invention to have been obvious in light of the teachings of the references. Even if the two references were combined, the result would not be what is disclosed in claim 1 of the present application. In addition, certainly nowhere do any of the Carter, Janssens, or Smith references teach or suggest combining the three references, nor has the Examiner presented a convincing line of reasoning as to why an artisan would have found the claimed invention to have been obvious in light of the teachings of the three cited references. None of Carter, Janssens, or Smith, alone or in combination, are even remotely relevant to a policy evaluation mechanism configured to evaluate policies to provide automated computer system administration in an information technology (IT) environment, as recited in claim 1.

Thus, for at least the reasons presented above, the rejection of claim 1 is not supported by the cited prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 1 also apply to claims 6, 11, 14, 16, 21, 22 and 26.

In regard to claim 29, similar remarks as those above regarding claim 1 also apply. In addition, Applicant notes that nowhere in Carter is the term 'decision engine' even mentioned. In Figure 3, cited by the Examiner, Carter, in paragraph [0364], discloses that "FIG. 3 is a schematic depiction of examples of processes within the four layers of the Network Surveillance and Security System 310." Nowhere does Carter disclose that the processes are "decision engines" as recited in claim 29. Therefore, Applicant traverses the Examiner's assertion that Carter teaches or suggests a plurality of decision engines as disclosed in claim 29. Further, paragraph [0880] of Carter simply discloses a "process scheduler", and does not teach or suggest anything like "a central

decision engine configured to provide automated administration of the IT environment according to one or more high-level policies for the IT environment." Therefore, Applicant traverses the Examiner's assertion that Carter teaches or suggests a central decision engine as disclosed in claim 29.

Applicant also asserts that numerous ones of the independent and dependent claims recite further distinctions over the cited art. However, since the rejections have been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.
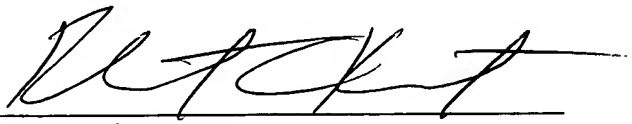
CONCLUSION

Applicant submits the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-20800/RCK.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☐ Petition for Extension of Time

☐ Notice of Change of Address

☐ Other:

Respectfully submitted,

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